IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

Bail Appl..No. 4183 of 2007()

CRIME NO.201/07 OF SHORNUR POLICE STATION
AGAINST THE JUDGEMENT/ORDER IN BA.3557/2007 Dated 18/06/2007

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APPLICANTS/ACCUSED NOS.1 TO 4 AND 6 TO 8:

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1. MUHAMMADALI, S/O. YOOSUF,
   AGED 27 YEARS, NJAZHUKIL VEEDU, KURUVATTUR,
   OTTAPALAM TALUK.

2. SAINUDHEEN, S/O. YOOSUF,
   AGED 23 YEARS, NJAZHUKIL VEEDU, KURUVATTUR.

3. MOIDEEN, S/O. KUNJAYAMMU,
   AGD 60 YEARS, NJAZHUKIL VEEDU, MUNDAKKOTTUKURUSSI.

4. BASHEER, S/O. UMMER,
   MANAMULLI VEEDU, MUNDAKKOTTUKURUSSI.

5. SHEREEF, S/O. MOIDEEN,
   AGED 24 YEARS, NJAZHUKIL VEEDU, KUNJUKURUSSI.

6. MUHAMMED MUSTHAFFA, S/O.KUNJALAVI HAJI,
   NJAZHUKIL VEEDU, MUNDAKKOTTUKURUSSI.

7. MUHAMMADALI, S/O. ABDULLA,
   AGED 55 YEARS, NJAZHUKIL VEEDU,MUNDAKKOTTUKURUSSI.

BY ADV. SRI.P.VIJAYA BHANU
SRI.PRASUN.S

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, REPRESENTING C.I.
OF POLICE, OTTAPALAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4183 of 2007

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Dated this the 12th day of July, 2007

O R D E R

Application for regular bail. The petitioners are accused 1 to 4 and 6 to 8 in a prosecution, inter alia, under Section 302 r/w. 149 I.P.C. The alleged incident took place on 6.5.2007 at 8 p.m. The petitioners, along with others, were allegedly members of an unlawful assembly of persons, who armed with sticks and stones trespassed into the residential building of the deceased and attacked him causing fatal injuries to him. Some members of the family also suffered injuries. The alleged motive is the strain in the relationship between two families of the locality. Investigation is in progress. The petitioners were arrested on various dates between 10.5.07 and 18.5.2007. The petitioners have moved this court earlier for bail and by order dt.18.6.2007 those applications were dismissed with the observation that the petitioners can move this court for bail again at a later stage of the investigation, not at any rate prior to 2.7.2007. The learned counsel for the petitioners prays that the petitioners may now be enlarged on bail, they having remained in custody from 10.5.2007 and 18.5.2007 to this date.

2. The application is opposed by the learned Prosecutor. Investigation is not complete. The allegations are very serious. On account or prior animosity the house of the deceased was attacked in the night. Though sharp weapons are not used, sticks and stones were used for the attack. I find merit in the submission of the learned Prosecutor that it is too early to consider grant of regular bail to the petitioners, considering the nature and circumstances of the case.

3. I am satisfied that there is merit in the prayer of the Prosecutor that the Investigators may be given some further time to complete the investigation.

4. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioners shall be at liberty to move the courts for bail again at a later stage of the investigation, not at any rate, prior to 21.7.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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